

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ALBERT ZUNIGA,

Civil No. 12-478 (SRN/SER)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

SCOTT P. FISHER,

Respondent.

The above-captioned case comes before the undersigned on the Report and Recommendation of United States Magistrate Judge Steven E. Rau. No objections to the Report and Recommendation were filed within the requisite time period. Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's "Motion to Alter or Amend Judgment," (Docket No. 3), is **DENIED**; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 17, 2012

s/Susan Richard Nelson
Susan Richard Nelson
U.S. District Court Judge